

**THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

JOHN BARNHARDT, ET AL.

PLAINTIFFS

and

UNITED STATES OF AMERICA

PLAINTIFF INTERVENOR

v.

CIVIL ACTION NO. 4:65-cv-01300–HTW-LRA 1300(E)

**MERIDIAN MUNICIPAL SEPARATE
SCHOOL DISTRICT, ET AL.**

DEFENDANTS

**Response to Private Plaintiffs’ Motion to Seek
Leave to Re-depose an Unprepared 30(b)(6) Designee**

The District denies the allegations of the Private Plaintiffs that Chief Clayton was unprepared or that the District or its counsel was otherwise uncooperative during the deposition. The District had timely and specifically objected to certain law enforcement related topics set out in the 30(b)(6) Notice. *See*, [105]. As a compromise, the parties had agreed that if documents were going to form the basis of Chief Clayton’s deposition questioning, those documents would be available for him to review and comment on during the deposition. This arrangement was sought by the District’s counsel because of the large number of documents the District has produced in complying with the 2013 Consent Decree. Unfortunately, contrary to this agreement, documentation regarding many subjects on which Chief Clayton was questioned was not presented to him, including the various documents related to training. These documents and other information were in the possession of the Private Plaintiffs by virtue of previous discovery

production as well as the bi-annual reports submitted by the District under the 2013 Consent Decree.

This issue, however, is now moot because the parties have negotiated a resolution of this discovery dispute. The District has agreed to produce Chief Clayton for further deposition questioning on the following topics: (1) the required trainings under the 2013 Consent Decree, (2) the proposed revisions by the Department of Justice and Plaintiffs to the policies and procedures of the Meridian Public School District Police Department, and (3) the Meridian Public School District Police Department's policies and procedures manual. The parties have also agreed that the Private Plaintiffs may depose Chief Clayton for the remaining time available under the Federal Rules of Civil Procedure, *i.e.* 7 hours minus the time from his November 12, 2018 deposition. The deposition is scheduled to resume on December 3, 2018. *See*, Exhibit 1, emails between Counsel. The Private Plaintiffs' motion, [118], is therefore moot with respect to continuing Chief Clayton's deposition.

The District objects to an extension of the discovery deadline except for the limited purpose of Chief Clayton's deposition. The District's motion for declaration of unitary status is set for hearing on February 4, 2019. The District objects to the unnecessary expansion of the discovery deadline or any other deadlines in the scheduling order, including the requirement that the Plaintiff Parties give notice of their specific objections to the District's motion by November 16, 2018. [78]. The Private Plaintiffs waited until mid-October to begin organizing their 30(b)(6) deposition request, despite the District having filed its motion for unitary status in March, 2018. The District is concerned that unnecessary extensions of various deadlines set out in the scheduling order will impact the hearing date. Again, the District objects to any delay in presenting its case on February 4, 2019. Finally, the District incorporates its Response to the

Private Plaintiffs' Motion to Extend Discovery Deadline filed contemporaneously as if fully set forth herein.

Respectfully submitted, this 21st day of November, 2018.

MERIDIAN PUBLIC SCHOOL DISTRICT

/s/ John S. Hooks

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CERTIFICATE OF SERVICE

I do hereby certify that on this date, I filed electronically the foregoing with the Clerk of this Court using the CM/ECF system which will send notification of filing to all registered counsel of record.

Dated: November 21, 2018.

/s/ John S. Hooks